

# CITY OF ANGELS CITY COUNCIL MINUTES

**Tuesday, December 21, 2010**

Council Members Present: Jack Lynch (Mayor), Jack Boeding (Vice Mayor), Elaine Morris and Craig Turco

Absent: Rick Downey (Present at closed session via telecom)

Staff Present: Richard Matranga, Vanessa Apodaca, Melisa Ralston, David Hanham, Todd Fordahl and Mary Kelly

## **4:30 P.M. CALL TO ORDER**

### **ADJOURN TO CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant Exposure to litigation pursuant to California Government Code subdivision (b) of Section 54956.9: (One case)
- B. PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – Current City Administrator
- C. PURSUANT TO CALIFORNIA CODE SECTION 54957: Public Employee Appointment: City Administrator

## **6:05 P.M. RECONVENE TO REGULAR CITY COUNCIL MEETING**

### **ACTION TAKEN IN CLOSED SESSION**

- A. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to California Government Code Section 54957.6: Fire MOU, Non-Exempt MOU and Exempt MOU – City Labor Negotiators – Council Member Turco and Mayor Lynch  
Action: No action was taken
- B. PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – Current City Administrator  
Action: Direction given to City Attorney
- C. PURSUANT TO CALIFORNIA CODE SECTION 54957: Public Employee Appointment: City Administrator  
Action: Direction given to City Attorney

### **APPROVAL OF AGENDA**

Council Member Turco questioned having Item #2 on the agenda. He asked if this was a recall of a previous item voted on and voiced his concern that the time to recall this item has passed. Mayor Lynch explained this is not a recall and he has asked Larry Busby to explain the membership process of the CSPC and CSEDD.

### **STAFF UPDATES**

**Vanessa Apodaca** – City Engineer

- Updated report included in the packet.

**Melisa Ralston** – Finance Officer

- The finance software was installed on the Server today (12/21).

**Todd Fordahl** – Interim Police Chief

- Reviewed his report included in the packet.
- City consultant Kris Jack is working with the County I.T. department on the RIMS installation.

**Dave Hanham** – Planning Director

- Reviewed his report included in the packet.
- Tree preservation ordinance will be brought to Council in January
- Rezone ordinance will be brought to Council on the 18<sup>th</sup> of January
- Façade grant – waiting for SHPO to sign off.
- The CTC will be reviewing payment of the Relinquishment monies at their January meeting.

**Direction: Agendize Relinquishment Fund use options for January Council agenda**

**COUNCIL UPDATES**

**Council Member Boeding**

- Attending groundbreaking ceremony for new county jail. Construction to begin in January with possible occupancy in 2012.

**Council Member Turco**

- Received an email from the POA regarding beginning MOU negotiations in January. POA would also like to open the current MOU for discussion. Turco suggested Council Elect Raggio be part of the negotiations.

**Direction: Agendize POA MOU discussions for January 4<sup>th</sup> agenda**

- Reported that the LLD road complaint to the FPPC was dismissed. Stated that he felt it was politically motivated.
- Reported on LLD monies not accounted for by the City between 1995 and 2000. This needs to be addressed as the monies are significant.

**Direction: Agendize LLD accounting issue at Personnel/Finance**

**Council Member Morris**

- Attended CCOG where 2 new public members and 1 alternate were appointed (Paul Stein, Diane Gray, Carolyn McDaniel)

**Mayor Lynch**

- Attended UPA – routine meeting
- Attended Facilities/Infrastructure – 2 items discussed are on Council agenda for approval.

**PUBLIC COMMENTS**

**Steve Difu** – 576 Sasa

- Spoke in support of researching the LLD discrepancy (1995-2000)
- Reported he heard that the City Administrator is back in town and asked whose contract takes precedent – the City Administrators or Interim City Administrators. (The City Attorney advised the Council was not at will to discuss this due to legal implications.)
- Voiced concerns of the lack of leadership from current City Administrator

**Gary Croletto** – LLD Committee

- Volunteered assistance to the Personnel/Finance committee in researching LLD fund issue

**Bob Menary** – ACBA President

- Complimented the Police Department and Public Works on their work during the parade and the assistance from Public Works in decorating the downtown area.

**CONSENT AGENDA**

**MOTION** by Council Member Turco, seconded by Council Member Boeding and carried 4-0 ADOPTING THE CONSENT AGENDA AS PRESENTED:

- a. Minutes of Regular meeting –December 7, 2010
- b. City Treasurer Appointment
- c. Adopt resolution No. 10-42 approving the 2010 Improvement Standards
- d. Approve the final Pavement Management System Implementation report revised September 2010

**REGULAR MEETING**

1. **CALAVERAS VISITOR'S BUREAU LEASE AGREEMENT**

Mayor Lynch explained the City has received a letter from the Calaveras Visitor's Bureau (CVB) stating their intention to move from their offices in January. Council Member Turco expressed his disappointment stating the City had a tentative agreement with CVB and had planned the City budget accordingly. He stated this is not good partnering. He suggested looking at the Community Development Department office lease and discuss moving the offices to the vacant CVB offices. He also stated that TOT monies are to be used to promote tourism and suggested looking into using these funds for an economic development center. He suggested this item be agendized on the Personnel/Finance agenda for discussion on what options there are for using the building and options for funding other tourism sources.

Council Member Boeding agreed with Turco, but felt it was premature to move the Community Development staff into the building. There should be some discussion regarding renting the space.

Council Member Morris said she agree with both Turco and Boeding. She agreed this item should be taken to Personnel Finance Committee to discuss different options on the buildings use.

Mayor Lynch said he was surprised and troubled by CVB's decision to move. He reminded the Council of the report given by CVB's Director where it was reported that over 13,000 people came through their doors yearly to get information. He said it was a terrific loss and agreed in discussing further options at the Personnel/Finance Committee.

**Direction: Finance Officer to net out the proposed Visitor's Center rental revenue from the budget and replace with TOT funds.**

**Direction: Agendize for January Personnel/Finance Committee**

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2. **MARIPOSA COUNTY MEMBERSHIP IN CENTRAL SIERRA PLANNING COUNCIL**

Larry Busby, Executive Director of the CSPC and CSEDD explained that the process for including Mariposa County as a member in the CSPC and CSEDD has just begun. Mayor Lynch had brought a resolution before the Council previously but this was a premature action. The agencies were not yet ready to vote on this. He explained the background and asked the Council why they felt including Mariposa as a member was a concern. Council Members said there had been some concerns of a diminished membership of the existing counties. Mr. Busby asked that the Council approve the inclusion of Mariposa by Minute Order. The City Attorney stated he would need to research this because the item has already been brought before the City Council for approval by resolution and it did not pass. Mr. Busby said he was unable to attend an earlier meeting where a recall would have been appropriate.

**Direction: City Attorney to research City's procedures**

**Direction: Continue to January**

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3. **WASTEWATER TREATMENT PLANT PHASE III IMPROVEMENT PROJECT**

**MOTION** by Council Member Boeding, seconded by Council Member Morris and carried 4-0 ADOPTING RESOLUTION NO. 10-41. A RESOLUTION ACCEPTING WORK ON THE WASTEWATER TREATMENT PLANT AND AUTHORIZE FILING OF NOTICE OF COMPLETION

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4. **WATER RATE STRUCTURE CHANGE**

The City Attorney advised the Council that the City Municipal Code requires public notice and a public hearing before any changes/modifications can be made to water rates.

**MOTION** made by Council Member Turco, seconded by Council Member Boeding and carried 4-0 to MOVE FORWARD WITH A PUBLIC HEARING FOR CONSIDERATION OF PROPOSAL TO INCLUDE 1000 CUBIC FEET OF WATER IN BASE RATE.

Roll call: Morris {Yes}, Boeding {Yes}, Turco {Yes}, Lynch {Yes}

**MOTION** by Council Member Morris, seconded by Council Member Boeding TO PROVIDE A WATER RATE STUDY BEFORE BASE RATE IS MODIFIED.

Roll call: Morris {Yes}, Boeding {Yes}, Turco {No}, Lynch {No}

**Direction:** Direction given to City Clerk to post public notice in newspaper

**Direction:** Continue to Council January 4 or 18 meeting

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5. **RESOLUTION APPROVING THE REVISED CALAVERAS COUNCIL OF GOVERNMENTS JOINT POWERS AGREEMENT**

The Planning Director reviewed the changes made by CCOG, County and City staff to the CCOG JPA. Mayor Lynch asked why the public members on the CCOG Board remained at three (3) members when the City Council had asked it be changed to one (1) public member. He said he could be persuaded to change his vote to 3 members if County, City and CCOG staff were in agreement with that number. Tom Garcia, County Public Works Director reported that the Board of Supervisors will be hearing this at their January 11<sup>th</sup> meeting.

Additional changes requested by the Council:

- Annual Audits and Final Audit Reports due to the State Controller 180 days after the end of the fiscal year to be changed to: Annual Audits and Final Audit Reports due to State Controller, CCOG Director and CCOG Board 90 days after the end of the fiscal year
- Section 'V' Termination and Dissolution #1: change last line from '*This Agreement may be amended as needed by the County or City*' to read – "*This Agreement may be amended by mutual consent as needed by the County or City*".
- Section 'V' Termination and Dissolution #2: change from "*Termination. This Agreement may be terminated at any time by either Member Agency by giving at least a one-hundred and eighty (180) days notice in writing prior to the date such termination becomes effective*" to read "*Termination. This Agreement may be terminated at any time by either Member Agency by giving at least a one-hundred and eighty (180) days notice in writing prior to the end of the five (5) year term.*"
- Section 'C' Manner of Exercising Power. City Attorney to research the State Law requiring this Government Code be included in the JPA and if there are any hindrances to either the City or the County by giving one and not the other this authority.

**MOTION** by Council Member Boeding, seconded by Council Member Morris and carried 4-0 TO CONTINUE THIS ITEM TO THE JANUARY 4, 2011 CITY COUNCIL MEETING

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6. **FY 2011/2012 CCOG OVERALL WORK PROGRAM PROJECTS**

**MOTION** by Council Member Turco, seconded by Council Member Boeding and carried 4-0  
ACCEPTING THE PRIORITIZED CCOG OVERALL WORK PROGRAM LIST:

1. Vallecito Road/State Route 49 Traffic Study outlining alternatives for the new intersection in connection with the Relinquishment Agreement between Caltrans and the CCOG.  
Approximate cost - \$100,000
2. City of Angels Bicycle Master Plan. Approximate Cost - \$50,000
3. Project Study report (PSR) of Angels Oaks and State Route 4 (To include Foundry Lane).  
Approximate Cost - \$115,000
4. Streetscape Plan for State Route 49. Approximate Cost - \$30,000

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7. **PROJECT STUDY REPORT FOR STATE ROUTE 49 AND VALLECITO ROAD**

**MOTION** by Council Member Turco, seconded by Council Member Morris and carried 4-0  
DIRECTING THE PLANNING DIRECTOR TO PROCEED WITH AN RFP FOR THE PSR UPDATE  
FOR STATE ROUTE 49 AND VALLECITO ROAD

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8. **CERTIFICATION OF 2010 GENERAL ELECTION**

**MOTION** by Council Member Turco, seconded by Council Member Morris and carried 4-0 ADOPTING  
RESOLUTION NO. 10-40. A RESOLUTION ACCEPTING CANVASS AND CERTIFIED STATEMENT  
OF RESULTS OF THE MUNICIPAL ELECTION HELD IN THE CITY OF ANGELS ON NOVEMBER  
2, 2010 AND CONSOLIDATED WITH THE GENERAL ELECTION

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**CALENDAR**

**ADJOURN**

Meeting was adjourned at 8:39 PM.

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Jack Lynch  
Mayor

ATTEST:

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Mary Kelly  
City Clerk